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MAILED

MAY 09 2011

In re Application of	:	OFFICE OF PETITIONS
Angel Palacios	:	
Application No. 10/599,384	:	DECISION ON PETITION
Filed: September 27, 2006	:	
Attorney Docket No.	:	

This is a decision on the petition, filed April 12, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. Note 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application was held abandoned for failure to reply to the Notice of Non-Compliant mailed July 13, 10, which set a one (1) month or thirty (30) days period for reply. A Notice of Abandonment was mailed on January 31, 2011.

Petitioner states "After receiving the Notice of Abandonment enclosed with this letter I checked my files and I saw that I had in fact submitted my response to the Office Action mentioned. You can find attached both my response and the copy of the receipt that was received by the fax machine, sent by the USPTO fax machine."

See 37 C.F.R. § 1.8

- (1) Correspondence will be considered as being timely filed if:
 - (i) The correspondence is mailed or transmitted prior to expiration of the set period of time by being:
 - (A) Addressed as set out in § 1.1(a) and

(B) Transmitted by facsimile to the Patent and Trademark Office in accordance with 1.6(d).

ALTERNATIVE VENUE

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:


- Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

By mail: Mail Stop Petition
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By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3210.


Irvin Dingle
Petition Examiner
Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement; and a copy of the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed July 13, 2010.